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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,401	02/10/2004	Yozo Sakagami	109013.01	9857

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EXAMINER

ARNOLD, ADAM

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/774,401	Applicant(s) SAKAGAMI ET AL.	
	Examiner Adam Arnold	Art Unit 2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-21 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/10/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The examiner acknowledges the receipt and entry of the applicant's amendment.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 21 and 23-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is directed to a program listing not stored on computer readable medium; thus it is descriptive material, per se.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3-11, 13-21 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto, U.S. Patent No. 6,480,192. Referring to claim 1, Sakamoto discloses a game apparatus (col. 4, line 45) comprising an image generation section (col. 12, line 35) viewed from a virtual camera (col. 17, line 3); a section for blurring a predetermined object (col. 2, lines 2-13) according to a distance from a predetermined position to generate another blurred object (col. 2, lines 2-13) where the predetermined object comprises a target having at least one surface (col.

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13, line 17) and a foundation for expressing a foundation of the object according to a background of the object (col. 2, line 14, where the foundation and the background are interpreted to be the same); and an execution section for displaying the space image including the blurred section on a display screen (col. 5, lines 44-50). Sakamoto does not disclose wherein the blurring section blurs an image of the objective target to bring an image of the objective foundation into view. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the blurring section blur an image of the objective target to bring an image of the objective foundation into view. One of ordinary skill in the art would have been motivated to do this in order to impart a sense of perspective to the user (see Sakamoto, col. 1, line 20). That is, by blurring the target, the background comes into focus.

Referring to claim 3, Sakamoto discloses where the object is blurred according to a progression of the predetermined game (col. 2, lines 29-39—i.e. when the cars move into view).

Referring to claim 4, Sakamoto discloses where the predetermined object is a location of the virtual camera (col. 2, lines 2-14).

Referring to claim 5, Sakamoto discloses where the blurring section blurs the object according to a sight line angle of the virtual camera (col. 10, lines 62-67).

Referring to claim 6, Sakamoto discloses a setting section for setting a fixation point as the predetermined object (col. 2, lines 29-30).

Referring to claim 7, Sakamoto discloses where the game is a racing game and the blurring section blurs an image on the racing course (Figure 15).

Referring to claim 8, Sakamoto discloses where the blurring section blurs the image of an object processed by anti-aliasing, mip mapping or level of detail (col. 3, lines 23-32).

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Referring to claim 9, Sakamoto discloses where the blurring section carries out an image composition processing of the object as a transparency of the object is changed (col. 2, lines 26-28).

Referring to claim 10, Sakamoto discloses a game apparatus (col. 4, line 45) comprising an image generation section (col. 12, line 35) viewed from a virtual camera (col. 17, line 3); a section for blurring an object (col. 2, lines 2-13) according to a distance from a predetermined position to generate another blurred object (col. 2, lines 2-13) and where the predetermined object comprises a first object, which is the foundation and a second object, which is the surface layer (col. 2, lines 40-63) and an execution section for displaying the space image including the blurred section on a display screen (col. 5, lines 44-50). The limitation "the blurring section blurs the second object to bring the first object into view," is not patentable in that it is merely an inherent byproduct of the invention. That is, by blurring one object, another comes into focus.

Referring to claims 11 and 13-20, Sakamoto discloses a storage medium (col. 1, lines 40-41). The remarks presented above with regard to claims 1 and 3-10 apply equally to claims 11 and 13-20, respectively.

Referring to claims 21 and 23-30, Sakamoto discloses a computer program (col. 1, line 57). The remarks presented above with regard to claims 1 and 3-10 apply equally to claims 21 and 23-30, respectively.

Response to Arguments

3. Applicant's arguments filed March 5, 2004 have been fully considered but they are not persuasive. The applicant states on page 11, paragraph 2 of the Amendment that it is unclear

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which is the predetermined object of claim 1. The predetermined object is the “three-dimensional object” mentioned in col. 2, line 12 of Sakamoto. In paragraphs 3 and 4, the applicant questions which is the objective target and foundation. The objective target is the afore-mentioned predetermined object and the objective foundation is the background mentioned in col. 2, line 13. Claim 1 states this: “an objective foundation that expresses a foundation of the target according to a background of the predetermined object.” In the first paragraph of page 12, the applicant argues it is unclear “how a background or foundation is ‘an object which is overlaid on a surface.’” The applicant has misinterpreted the examiner’s statement in the Advisory Action. The point is a background *is* a foundation, which has been clearly pointed out in the claim 1 rejection. Moreover, the specification seems to point out at least one embodiment where the foundation referred to in claim 1 is the same thing as the background: “The foundation is expressed so as to have the same form as the form of the target, and so as to be at one with the background of the predetermined object...” (page 7, third paragraph of specification). The metaphor is an object overlaid on a foundation or background, as in a house built over a concrete foundation. In the second paragraph of page 12, the applicant argues that the examiner in the previous action did not address the following limitation: “the blurring section blurs an image of the objective target to bring an image of the objective foundation into view.” The examiner agrees that this was not dealt with in the previous actions and has specifically addressed the limitation in the claim 1 rejection above. The applicant’s finally asserts in the third paragraph of page 12 that “this reference to the Non-final Office Action by the Advisory Action is inapposite.” The examiner is unclear exactly what point the applicant is trying to make, but since it does not

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appear to be directed to the issue at hand—the patentability of the above claims—it will not be addressed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Arnold whose telephone number is 703 305 8413. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached on 703 305 9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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